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REPLY TO:
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August 11, 2021

VIA ECF

Hon. Naomi Reice Buchwald, U.S.D.J.
United States Courthouse, Courtroom 21A
500 Pearl St.
New York, New York 10007-1312

Re: Stewart v. Stewart, Case No. 1:19-cv-05960-NRB

Dear Judge Buchwald:

We represent Defendant Michele Stewart. We write this letter pursuant to Your Honor's instructions during the status conference with the parties on Wednesday, August 4, 2021 (the "**Conference**"), to provide an update on the parties' settlement discussions. We requested that Plaintiff's counsel include any status they wanted to provide the Court in a joint letter. Plaintiff's counsel failed to respond to our request and instead filed their own letter.

As the Court may recall, at the Conference, Plaintiff's counsel represented that Plaintiff was "serious" and "eager" to settle this case. As a result, the Court ordered the parties to discuss settlement and provide the Court with a status letter on Wednesday, August 11, 2021.

On August 5, 2021, we received Plaintiff Barbara Stewart's purported settlement communication conveying Plaintiff's "settlement offer." This "offer," however, was nothing more than a demand for what Plaintiff believes she would be entitled to if she wins her claims in full. Thus, Plaintiff's "offer" was not a settlement offer made in good faith because she was not *compromising* anything. The "offer" also completely belies her counsel's assurances to the Court during the Conference that Plaintiff was "eager" to negotiate a settlement. Based on this, it is clear that Plaintiff's counsel's representations to the Court at the Conference that Barbara has "changed" and is now "serious" about settling were nothing more than a pretext to obtain the further extension on the deposition end date that the Court previously denied Plaintiff.

In addition, Plaintiff's "offer" makes clear what we already knew based on our previous experience in litigation with her in the cases related to the Stewart family trusts: that Plaintiff has no intention of settling this case. As a result, we plan to move forward with the deposition of Plaintiff immediately, in person in New York, New York. In addition, we will depose Mr. Bill Stewart (Plaintiff's ex-husband) on August 25, 2021, via zoom.

Notwithstanding the above, in a good faith effort to bring this suit to a close, on August 10,

2021, Defendant made a settlement counteroffer to Plaintiff. If Plaintiff wishes to continue negotiating settlement, we expect such negotiations to continue concurrently with depositions. Given the above, we see no utility at this point for the Court to conduct a settlement conference or for the parties to participate in mediation.

Very truly yours,

MEYNER AND LANDIS LLP

Catherine Pastrikos Kelly

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cc: David Marcus, Esq. (*Plaintiff's counsel – via ECF*)